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THE COMMONWEALTH OF MASSACHUSETTS
THIRTY-SECOND ANNUAL REPORT OF THE
COMMISSIONER ON UNIFORM STATE LAWS

To His Excellency, the Governor, and the Honorable Council of the Commonwealth of Massachusetts:

In compliance with General Laws, we have the honor to submit herewith our Annual Report for the year ending November 30, 1940.

The Commissioners were Joseph F. O'Connell, Chairman and Secretary, Willard B. Luther and Henry Parkman, Jr., all of whose appointments expire in October, 1944.

HISTORICAL SURVEY

This year saw the Fiftieth Anniversary of the founding of the movement for uniformity in State legislation. It was started in 1890 by New York. Massachusetts first appointed Commissioners in 1909. Now every State, the District of Columbia, Alaska, Hawaii, Puerto Rico and the Phillipine Islands have Commissioners.

Since its formation the Conference has approved 90 Uniform or Model Acts. Only one, the Negotiable Instruments Act, has been adopted by every jurisdiction, but a considerable number have been so generally passed as to approach the uniformity desired. Massachusetts has adopted the following 21 Acts:

Acknowledgments, (1910); Bills of Lading, (1910); Child Labor, (1913); Cold Storage, (1912); Desertion and Non-Support, (1911); Federal Tax Lien Registration, (1927); Foreign Executed Wills, (1911); Foreign Probated Wills, (1911); Fraudulent Conveyances, (1924); Limited Partnership, (1923); Marriage and Marriage License, (1911); Marriage Evasion, (1913); Narcotics, (1935); Negotiable Instruments, (1898); Partnership, (1922) Sales, (1908); Stock Transfer, (1910); Trust Receipts, (1936); Warehouse Receipts, (1907); Extradition of Criminals Act, (1937); Attendance of Witnesses from Without a State in Criminal Proceedings Act, (1937).

CONFERENCE OF 1940

The fiftieth Annual Conference was held in Philadelphia, September 2-7, 1940. Commissioners O'Connell and Luther were present. The Conference was largely attended and finally approved and recommended the following Acts:

Uniform Acts:

Administrative Procedure, Pistol, Simultaneous Death.

Model Acts:

Execution of Wills, Power of Sale Mortgage Foreclosure, Retail Price Control.

The Conference elected these officers:

William A. Schnader of Pennsylvania, President
W.E. Stanley of Kansas, Vice-President Murray M.
Shoemaker of Ohio, Treasurer Barton H. Kuhns of
Nebraska, Secretary.

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ASSIGNMENTS OF COMMISSIONERS

The 1941 assignments are as follows;

Commissioner O'Connell: Committee on Compacts and Agreements between States. Committee on Public Information. Public Law Acts Section.

Commissioner Luther: Committee on Scope and Program. Chairman of Special Committee on Model Act on Execution of Wills. Property Acts Section.

Commissioner Parkman: Legislative Committee. Committee on Legislative Drafting.

RECOMMENDATIONS OF COMMISSIONERS

A Uniform or Model Act, however good in itself, fails to accomplish its purpose unless it is widely adopted. Massachusetts has passed only about one-quarter of the Acts considered still current by the Conference. Next year the Legislatures of 43 States will be in session. Recognizing the importance of having Uniform Acts more widely passed in all States, the Conference will collaborate with the Council of States Governments in bringing those Acts which it considers of especial importance before the various State Legislatures in 1941.

This Commission will recommend for consideration and passage by the Legislature at the coming session the following Acts, viz:

- (1) Uniform Pistol Act.
- (2) Contributions among Tortfeasors.
- (3) Simultaneous Death Act.

We do this with the sincere belief that these three Acts have been thoroughly studied and will contribute in great measure to uniformity throughout the Nation, and there is every prospect that the Legislatures of most of the other States will pass these Acts during the coming year and, ultimately, all States will adopt them, thus accomplishing the purpose of the Commissioners on Uniform State Laws.

The Commissioners believe that each of these Acts is worthy of passage and will introduce them as Bills for the consideration of the General Court in 1941.

APPROPRIATION

The Commissioners serve without compensation, but have an annual appropriation for traveling and other disbursements, including a contribution set by Statute of not over \$200. for the maintenance of the Conference. For 1940, the appropriation was \$750. The Commissioners recommend the same amounts for 1941 and 1942.

Respectfully submitted,

Joseph F. O'Connell, Chairman

Willard B. Luther

Henry Parkman, Jr.